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REMARKS

The applicant has amended claims 1, 12, 15, 19 and 20 as set out above in the amendment section and provides remarks set out below to clarify the claims and to address each concern raised by the office in the official communication mailed April 5, 2006. Each amendment is believed to have been made in accordance with Rule 121, however, should any unintended informality exist, it is requested that the undersigned be contacted by telephone so that it may be resolved as expediently as possible.

The amendments have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively effecting the scope of protection provided by the disclosure and claims of the present application, and particularly to avoid prosecution history estoppel, limitation of the scope of equivalences, or the like. The amendments have been particularly presented to avoid, where applicable, any admission or estoppel, generally, negatively effecting the scope of protection provided by the disclosure and claims of the present application, and particularly to avoid prosecution history estoppel, limitation of the scope of equivalences, or the like.

Section 112 concerns

Claim 20 has been amended to remove any unclear language as indicated in the amendment section. Accordingly, it is believed that all concerns under section 112 have been addressed.

Section 102 concerns

The action expresses concerns under section 102 to the claims and cites US Patent Application Publication No. 2002/0082865 to Bianco et al. (the "Bianco" reference). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).



On a general note, it is clarified that the Bianco reference may discuss an electronic patient healthcare system – perhaps best understood as an electronically guided, patient self-management documentation system. To the contrary, the present invention addresses, in some embodiments, tracking skilled-service rendered to a patient by a provider at a treatment location. More particularly, embodiments of the present invention may be directed to a novel automated documentation technique and associated computerized system for tracking, on a regular basis, by recording patient treatment rendered by skilled professionals, such as but not limited to therapists, as well as any ancillary and primary health professional/provider rendering skilled services to a human or veterinary patient. Accordingly, it is respectfully asserted that the Bianco reference does not anticipate the present invention as claimed.

Specifically, the Bianco reference does not teach nor disclose each and every element of independent claim 1. The Bianco reference discusses an electronic patient healthcare system for guiding a patient along a treatment pathway *by educating and preparing* the patient for a medical event and post-event recovery. This reference also discusses pre-event and post-event sets of electronically displayable files containing health information for preparing and educating the patient for a medical event and even a post-event recovery. However, in yet one instance, the Bianco reference does not teach the step of generating, *at the treatment location, at least one record of progress made toward each treatment goal* identified for the patient and *addressed by the provider during a treatment session*, as stated in Claim 1. (Emphasis added). The Bianco reference provides education and preparation tools for guiding a patient through a medical event which does not include – at the least – treatment goals, record of progress toward treatment goals, and even such record addressed by a provider during a treatment session. These elements are neither addressed explicitly nor implicitly in the Bianco reference.

In addition, the Bianco reference does not teach nor disclose the steps of receiving an input comprising each record of progress so generated, for storage as *treatment record data* at a host location, using *treatment record data* and a host processor, *automatically generating a patient report*; and submitting said patient report to an entity selected from a group consisting of a health care facility, a health care provider, an insurer, the patient, an entity authorized to receive records of



the patient, and a record-keeping entity for the provider. Since the Bianco reference does not track skilled-service rendered to a patient by a provider at a treatment location, as well as those steps as discussed above, claim 1 is not anticipated.

With respect to independent claim 12, the present invention includes, *inter alia*, a composite record, *generated at the treatment location*, comprising *at least one record of progress* made toward each *treatment goal identified for the patient and addressed by the provider during a session*, a storage medium at a host location for storing *treatment record data* comprising each said record of progress so generated; and a host processor for automatically generating, using said treatment record data, a patient report for an entity selected from the group consisting of a health care facility, a health care provider, an insurer, the patient, an entity authorized to receive records of the patient, and a record-keeping entity for the provider. (Emphasis added). As discussed above, the Bianco reference does not explicitly or even implicitly disclose these elements. Accordingly, the Bianco reference does not teach nor disclose each and every element of independent claim 12.

With respect to independent claim 19, the present invention includes, *inter alia*, a first program sub-code for receiving an input of data comprising *at least one record of progress* made toward each *treatment goal identified for the patient and addressed by the provider at the treatment location during a session*, a second program sub-code for storing each said record of progress so received, as treatment record data at a host location, and a third program sub-code for generating a *patient report using said treatment record data* and a host processor, said patient report comprising information from said at least one record of progress for submitting to an entity selected from a group consisting of a health care facility, a health care provider, an insurer, the patient, an entity authorized to receive records of the patient, and a record-keeping entity for the provider. (Emphasis added). Again, and as discussed above, the Bianco reference does not explicitly or even implicitly disclose these elements. Accordingly, the Bianco reference does not teach nor disclose each and every element of independent claim 19.

Therefore, it is respectfully submitted that independent claims 1, 12, and 19 and all the claims made ultimately dependent thereon are not anticipated by Bianco. Since claims 2-11, 13-18 and 20 are ultimately dependent upon one of the independent claims 1, 12 or 19, and it is believed that



claims 1, 12, and 19 are in condition of allowance, claims 2-11, 13-18 and 20 are also believed to be in a condition for allowance in that they each incorporate by reference all the limitation of the claims to which they are dependent. See 37 C.F.R. §1.75(c). Should the office require further explanation, the applicant stands ready to supplement the above remarks if necessary.

Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

### CONCLUSION

In view of the foregoing clarifications and remarks, it is respectfully submitted that the claims are novel over the cited art. Accordingly, the 35 U.S.C. §§ 112 and 102 concerns should now be reconsidered and withdrawn. Because all rejections should now be overcome, it is respectfully submitted that the instant application should now be in condition for allowance. Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

In the event that any outstanding matters remain in the application, the Examiner is invited to contact the undersigned at (970) 224-3100.

Dated this 19 day of September, 2006.

Respectfully submitted,  
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